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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,940	10/26/2001	Geyi Wen	555255012295	4757

7590 01/07/2004

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EXAMINER

CLINGER, JAMES C

ART UNIT PAPER NUMBER

2821

DATE MAILED: 01/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/014,940

Applicant(s)

WEN ET AL.

Examiner

Jim Clinger

Art Unit

2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2-12-02 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Double Patenting*

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-25 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10, 19 and 26 of U.S. Patent No. 6,329,951. Although the conflicting claims are not identical, they are not patentably distinct from each other because they basically recite a very similar invention only with slightly different limitations concerning the antenna structure connections.

Claim 1, claim 1 of '951 recites a first antenna structure of a first antenna type having a first radiation element and coupled to a first feeding port that is configured to be coupled to communications circuitry; and a second antenna structure of a second antenna type coupled to a second feeding port that is configured to be coupled to communications circuitry, wherein the first antenna structure and the second antenna structure are electrically connected through a portion of the first radiation element so

that the second antenna structure includes the portion of the first radiation element to form a second radiation element. The last limitation concerning the connections between the two antennas has the same scope as the corresponding limitations recited in the current application even though the wording is slightly different.

Claim 2, the first antenna structure and the second antenna structure include a monopole antenna(claim 2 of '951).

Claim 3, the first antenna structure and the second antenna structure include a dipole antenna(claim 3 of '951).

Claim 4, the first antenna structure and the second antenna structure comprise a top loaded member(claim 4 of '951).

Claim 5, the top loaded member is a portion of the first antenna structure and the second antenna structure(claim 5 of '951).

Claim 6, the first antenna structure and the second antenna structure comprise a transmitting antenna and a receiving antenna(claim 10 of '951 recites rx and tx circuits connected to the antennas of a portable communication device).

Claim 7, a pair of feeding ports(claim 1 of '951).

Claim 8, the feeding ports are connected to a radio circuit(claim 1 of '951).

Claim 9, the first antenna structure and the second antenna structure are mounted on a mounting surface, the mounting surface extending in three dimensions so as to orient the first antenna structure and the second antenna structure in the three dimensions(claims 6-9 of '951, the devices recited in these claims have mounting structures).

Claim 10, the mounting surface is a dielectric substrate(claims 6-9 of '951).

Claim 11, the antenna system is operable in a portable communication device(claims 6-9 of '951).

Claim 12, the antenna system is operable in a wireless PDA(claims 6-9 of '951).

Claim 13, the antenna system is operable in a wireless paging device(claims 6-9 of '951).

Claim 14, the antenna system is operable in a wireless two-way paging device(claims 6-9 of '951).

Claim 15, a monopole antenna having a first radiation element and coupled to a first feeding port that is configured to be coupled to communications circuitry; and a dipole antenna coupled to a second feeding port that is configured to be coupled to communication circuitry, wherein the monopole antenna and the dipole antenna are electrically connected through a portion of the first radiation element so as to form a second radiation element(claims 1, 19 and 26 of '951).

Claim 16, the monopole antenna and the dipole antenna comprise a top loaded member(claim 4 of '951).

Claim 17, the top loaded member is a portion of the monopole antenna and the dipole antenna(claim 5 of '951).

Claim 18, the monopole antenna and the dipole antenna comprise a transmitting antenna and a receiving antenna(claim 10 of '951).

Claim 19, the first and second feeding ports are connected to a radio circuit(claims 6-9 of '951).

Claim 20, the monopole antenna and the dipole antenna are mounted on a mounting surface, the mounting surface extending in three dimensions so as to orient the monopole antenna and the dipole antenna in the three dimensions(claims 6-9 of '951).

Claim 21, the mounting surface is a dielectric substrate(claims 6-9 of '951).

Claim 22, the antenna system is operable in a portable communication device(claims 6-9 of '951).

Claim 23, the antenna system is operable in a wireless PDA(claims 6-9 of '951).

Claim 24, the antenna system is operable in a wireless paging device(claims 6-9 of '951).

Claim 25, the antenna system is operable in a wireless two-way paging device(claims 6-9 of '951).

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Elliot(6,335,706) and Breed(5,489,914) disclose the current state of the art.

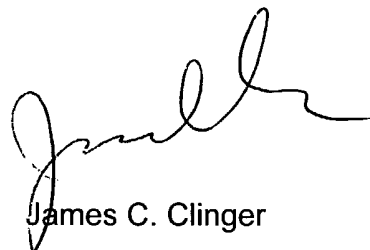
### ***Correspondence***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Jim Clinger whose phone number is (703) 305-0619.

Art Unit: 2821

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center whose telephone number is (703) 308-0956.

Papers related to Technology Center 2800 applications only may be submitted to Technology Center 2800 by facsimile transmission. Any transmission not to be considered an official response must be clearly marked "DRAFT". The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Technology Center Fax Center number is (703) 872-9306.



James C. Clinger